

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MICHAEL D. SPOOR,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-09-1319-M
)	
JUSTIN JONES, et al.,)	
)	
Respondents.)	

ORDER


On December 3, 2009, United States Magistrate Judge Bana Roberts issued a Report and Recommendation in this action. Based upon petitioner having sufficient funds to prepay the filing fee and his failure to pay the filing fee, the Magistrate Judge recommended that petitioner's Motion for Leave to Proceed in forma pauperis be denied and this action be dismissed without prejudice to refiling unless petitioner paid the \$5 filing fee within twenty (20) days of any order adopting the Report and Recommendation. Petitioner was advised of his right to object to the Report and Recommendation by December 20, 2009. A review of the file reveals the filing fee has not been paid and no objection has been filed.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on December 3, 2009;
- (2) DENIES petitioner's motion for leave to proceed in forma pauperis [docket no. 2] and
- (3) ORDERS petitioner to pay the \$5 filing fee in this case within twenty days of the

date of this Order. The Court would advise petitioner that this action will be dismissed without prejudice to refiling if he fails to pay the filing fee.

IT IS SO ORDERED this 7th day of January, 2010.


VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE